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IFW

In re Patent Application of: Kenneth C. Johnson et al.

Atty Docket No. TWI-30510

Application No.: 10/777,353

Filed: February 12, 2004

Confirmation No.: 5063

For: DATABASE INTERPOLATION METHOD FOR OPTICAL MEASUREMENT OF DIFFRACTIVE MICROSTRUCTURES

M/S AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Transmittal herewith is an amendment in the above-identified application.

The fee has been calculated as shown below.

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE
TOTAL	10	MINUS	20	0	x \$18 =	\$0
INDEP.	2	MINUS	3	0	x \$86 =	\$0
FIRST PRESENTATION OF MULTIPLE DEP CLAIMS					+ \$290	\$0
TOTAL						\$0

Small Entity 50% Filing Fee Reduction (if applicable)

\$0

- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.)

- ☒ No additional fee is required.
- ☐ A check in the amount of \$_____ is attached.
- ☒ Please charge any additional fees, including any fees necessary for extensions of time or credit overpayment to Deposit Account No. 50-1703, under Order No. TWI-30510.
A duplicate copy of this sheet is enclosed.
- ☒ Petition for extension of time. The undersigned attorney of record hereby petitions for an extension of time pursuant to 37 C.F.R. § 1.136(a), as may be required, to file this response.

STALLMAN & POLLOCK LLP

Dated: 10/5/04

By: Michael A. Stallman
Michael A. Stallman (Reg. No. 29,444)
Attorneys for Applicant(s)

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 5, 2004.

Dated: October 5, 2004

By: Georgia K. Stith
Georgia K. Stith



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Patent Application of

Kenneth C. Johnson et al.

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FOR OPTICAL MEASUREMENT OF
DIFFRACTIVE MICROSTRUCTURES

Confirmation No.: 5063

Group Art Unit: 2857

Examiner: Carol S.W. Tsai

**RESPONSE TO OFFICE ACTION
MAILED JULY 22, 2004**

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Box 1450, Alexandria, VA 22313-1450 on Oct. 5, 2004
STALLMAN & POLLOCK LLP

Dated: 10/5/04

By: Georgia K. Stith

Georgia K. Stith

Sir:

In response to the Office Action dated July 22, 2004, Applicants request reconsideration for the following reasons:

REMARKS

In the Office Action, the Examiner rejected claims 1-4 based on the patent to Maris (5,844,684) in view of Maris (6,211,921). The Examiner also allowed claims 5-10 noting that Maris did not teach "defining a continuous model of the optical responses as a function of the parameters that equals the optical responses at the interpolation points." It should be noted that Claim 1 includes a related though not identical concept, specifically, "iteratively interpolating between the interpolation points using an interpolation model that defines a substantially continuous function which intersects with the interpolation points." It is submitted that neither of the two Maris patents discloses or suggests this limitation of claim 1.

Maris '684 relates to an approach for determining the mechanical properties of a sample. Apparently, Maris obtains measurements from reference samples. He then measures an